UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,915	02/17/2004	Brent Smolinski	38288.00008.UTL1	7565

23562　　　　7590　　　　10/03/2007 BAKER & MCKENZIE LLP PATENT DEPARTMENT 2001 ROSS AVENUE SUITE 2300 DALLAS, TX 75201	**EXAMINER** JAKOVAC, RYAN J

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/780,915	SMOLINSKI, BRENT
	Examiner	Art Unit	
	Ryan J. Jakovac	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*17 February 2004*</u>.

2a)☐ This action is **FINAL.** 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☒ Claim(s) *32,33,38* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*02/17/2004*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communications filed on 02/17/2004

Claims 1-39 are pending for examination.

Claims 1-39 are rejected.

Specification

1.   The disclosure is objected to because of the following informalities: In paragraph

[008], "or" appears in error. Examiner will read the specification disregarding the error.

Appropriate correction is required.

Claim Objections

2.   Claims 32-33, and 38 are objected to because of the following informalities:

each claim ends with a semicolon instead of a period. Additionally, in claim 33 and in

claim 38 the word "message" appears doubly. Examiner will take this to be an error and

read the claims without the second recitation of the word "message". Appropriate

correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   Claims 12-14, and 16-18 are rejected under 35 U.S.C. 102(e) as being

anticipated by US Patent 6,513,013 to Stephanou.

With respect to claim 12, Stephanou teaches a system configured to perform

context sensitive transfers of a communication session comprising:

a first terminal (Col. 3, line 56-59, the expert notified via the internet);

a second terminal (Col. 3, line 35-36, the customer connected to the internet);

and

a third terminal (Col. 3, line 49-51, The ER server) engaged in a communication

session with the second terminal (Col. 3, line 38-40, The customer sends questions to

the ER server),

wherein the first terminal is configured to: receive a transfer message from the

third terminal (Col 3., line 49-51, The ER server sends a message to the expert);

respond to the transfer message by sending a transfer accept message to the

third terminal (Col. 3, line 62-63, The expert responds to the message from the ER

server);

connect with the second terminal; and engage in the communication session with

the second terminal (Col. 3, line 65-67, Contact is established between the ER server

and the expert).

With respect to claim 13, Stephanou teaches the system of claim 12, wherein

upon transferring the communication session from the third terminal to the first terminal

the communication session continues between the second terminal and the first

terminal (Col. 4, line 15-18, The ER server provides the email address of the customer

to the expert allowing the expert to email the customer.).

With respect to claim 14, Stephanou teaches the system of claim 12, wherein the

communication session is an instant message session (Col. 4, line 12-15, The ER

server sets up a real time chat session between the expert and the customer)

With respect to claim 16, Stephanou teaches the system of claim 12, wherein the

communication session in which the second terminal and the third terminal are engaged

in further includes a dialog between the second terminal and the third terminal (Col. 3,

line 38-40, The customer sends questions (i.e. dialog) to the ER server).

With respect to claim 17, Stephanou teaches the system of claim 16, wherein

upon transferring the communication session from the third terminal to the first terminal

the dialog between the second terminal and the third terminal also transfers (Col 1., line

49-50 The customer's contact information is presented to the expert) and continues

between the second terminal and the first terminal (Col. 4, line 15-18, The ER server

provides the email address of the customer to the expert allowing the expert to email

the customer.).

With respect to claim 18, Stephanou teaches the system of claim 12, wherein the transfer message comprises:

an identity of a second terminal (Col 1., line 49-50 The customer's contact information is presented to the expert);

information collected about the second terminal (Col. 5, line 55-60, The customer ticket viewed by the expert contains information about the customers request); and

a particular third terminal, or class of terminals, associated with the communication session (Col. 3, line 49-51, The ER communicates with the expert).

4.   Claim 31 is rejected under 35 U.S.C. 102(e) as being anticipated by US 20040061718 to Fitzpatrick et al (hereinafter Fitzpatrick).

With respect to claim 31, Fitzpatrick teaches a transfer protocol of a communication session configured to disconnect the communication session being conducted between a second terminal (Paragraph [0036], The disconnecting chat participant) and a third terminal (Paragraph [0034], The chat engine), the transfer protocol comprising:

a disconnect sequence whereby the third terminal initiates disconnection by sending a disconnect message to the second terminal (Paragraph [0034], The chat engine queries the chat participant to determine its online status.), the disconnect message being acknowledged by the second terminal (Paragraph [0036], Information

from the profile of the disconnecting chat participant is presented to the chat server);

and

a transfer sequence whereby the third terminal sends a transfer message to a

first terminal (Paragraph [0035], The chat engine notifies the remaining chat participant)

and the first terminal accepts the transfer message (Paragraph [0037], The remaining

chat participant chooses to establish a communication link) and the third terminal sends

a disconnect message to the second terminal (Paragraph [0035],The chat engine sends

a disconnect notification to the remaining chat participant),

wherein the second terminal continues in the communication session with the

first terminal (Fig. 2, number 235, Connection is established with the remaining chat

participant via matched alternative communication channel).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1,2, 4-11, 19-22, and 24-30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US Patent 6,513,013 to Stephanou in view of US 20040061718 to

Fitzpatrick et al.

With respect to claim 1, Stephanou discloses a system configured to perform

context sensitive transfers of a communication session comprising (Col. 3, line 28-40,

Customer contacts the server with a request, the server contacts the expert to handle

the request, the expert handles the servers request with the customer):

a first terminal (Stephanou, Col. 3, line 56-59, the expert at a device

notified via the internet);

a second terminal (Stephanou, Col. 3, line 35-36, the customer connected

to the internet); and

a third terminal (Stephanou, Col. 3, line 49-51, The ER server) engaged in

a communication session with the second terminal (Stephanou, Col. 3, line 34-

36, The customer contacts the ER server), the third terminal configured to:

Initiate a transfer of the communication session to the first terminal by

sending a transfer message to the first terminal (Stephanou, Col. 3, line 60-64,

The ER server contacts the experts, informing them of a pending customer);

receive a transfer accept message from the first terminal (Stephanou, Col.

3, line 63-63, The experts inform the server that they will handle the customer);

Stephanou does not teach but Fitzpatrick teaches:

send a disconnect message to the second terminal (Paragraph [0034] The

chat engine receives a message from the disconnecting chat participant

indicating the circumstances under which the disconnecting chat participant

withdrew from the chat session), wherein upon sending the disconnect message,

the third terminal is disconnected from the communication session with the

second terminal (Paragraph [0033]-[0034] The disconnecting chat participant goes offline) and the communication session continues between the second terminal and the first terminal (Paragraph [0035] The chat engine sends a notification to the remaining chat participant).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine send a disconnect message to the second terminal, wherein upon sending the disconnect message, the third terminal is disconnected from the communication session with the second terminal and the communication session continues between the second terminal and the first terminal as taught by Fitzpatrick with the system of Stephanou so a chat participant can discontinue participation in the chat session by intentionally or unintentionally logging off from the chat communication system or by changing an online status (Fitzpatrick, paragraph [0033]).

With respect to claim 2, the combination of Stephanou and Fitzpatrick teaches the system of claim 1, wherein the communication session is an instant message session (Stephanou, Col. 4, line 12-15, The ER server sets up a real time chat session between the expert and the customer).

With respect to claim 4, the combination of Stephanou and Fitzpatrick teaches the system of claim 1, wherein the communication

session is an html session (Stephanou, Col. 1, line 40-44, The customer accesses a website to connect to the server.).

With respect to claim 5, the combination of Stephanou and Fitzpatrick teaches the system of claim 1, wherein the communication session in which the second terminal and the third terminal are engaged in further includes a dialog between the second terminal and the third terminal (Stephanou, Col. 3, line 38-40, The customer (i.e. second terminal) sends questions to the ER server (i.e. third terminal)).

With respect to claim 6, the combination of Stephanou and Fitzpatrick teaches the system of claim 5, wherein upon transferring the communication session from the third terminal to the first terminal the dialog between the second terminal and the third terminal also transfers to the first terminal and continues between the second terminal and the first terminal (Stephanou, Col. 4, line 15-18, The ER server provides the email address of the customer to the expert (i.e. the first terminal) for the expert to email the customer.).

With respect to claim 7, the combination of Stephanou and Fitzpatrick teaches the system of claim 1, wherein the transfer message comprises:

an identity of a third terminal that is used to establish a connection between the third terminal and the second terminal (Stephanou, Col 3., line 49-51, The ER server sends a message to the expert. The identity is comprised in the message.);

information collected about the second terminal (Stephanou, Col 1., line 49-50

The customer's contact information is presented to the expert);

and information related to a particular third terminal, or a class of terminals,

associated with the communication session (Stephanou, Col 3., line 49-51, The ER

server sends a message to the expert).

With respect to claim 8, the combination of Stephanou and Fitzpatrick teaches

the system of claim 7, wherein the third terminal information includes information related

to a particular third party, a specific live person, a class of terminals, or a group of live

agents (Stephanou, Col 3., line 48-50, The ER server presents information to the expert

including specific information about the customer.).

With respect to claim 9, the combination of Stephanou and Fitzpatrick teaches

the system of claim 1, wherein the transfer accept message acts as a reply to the

transfer message (Stephanou, Col. 3, line 62-63, The expert responds to the message

from the ER server).

With respect to claim 10, Stephanou teaches the system of claim 9, wherein the

transfer accept message enables the second terminal to establish a connection with the

first terminal, whereby the first terminal becomes connected to the second terminal

(Stephanou, Col. 4, line 15-18, The ER server provides the email address of the

customer to the expert for the expert to email the customer. Stephanou further teaches

that the ER server sends a message to the expert then allows contact between the

expert and the customer via a real time chat session, Col. 4, line 12-15) and Stephanou

does not teach but Fitzpatrick teaches the connection to the third terminal is

disconnected (Fitzpatrick, Paragraph [0033]-[0034] The disconnecting chat participant

goes offline).

   With respect to claim 11, the combination of Stephanou and Fitzpatrick teaches

the system of claim 1, wherein the disconnect message terminates the connection

between the first and second terminals (Stephanou, Col. 4, line 35-35, A questionnaire

is sent to the customer which ends the customers ticket query session.) to enable a first

terminal to continue the connection with the second terminal (Stephanou, Col. 4 line,

Based on the information from the customer the system enables another expert to

respond to the customer).

   With respect to claim 19, Stephanou teaches the system of claim 12, wherein the

transfer accept message acts as a reply to the transfer message (Stephanou, Col. 3,

line 62-63, The expert responds to the message from the ER server) and enables the

second terminal to continue the connection (Stephanou, The ER server sends a

message to the expert then allows contact between the expert and the customer via a

real time chat session, Col. 4, line 12-15), Stephanou does not teach but Fitzpatrick

teaches whereby the first terminal (Fitzpatrick, Paragraph [0034], The chat engine)

becomes connected to the second terminal (Fitzpatrick, Paragraph [0035], remaining

chat participant) and the connection to the third terminal is disconnected (Fitzpatrick,

Paragraph [0033]-[0034] The disconnecting chat participant goes offline).

With respect to claim 20, Stephanou teaches a system configured to perform

context sensitive transfers of a communication session comprising:

a first terminal (Stephanou, Col. 3, line 35-36, the customer connected to the

internet);

a second terminal (Stephanou, Col. 3, line 56-59, the expert notified via the

internet); and

a third terminal engaged in a communication session with the second terminal

(Stephanou, Col. 3, line 49-51, The ER server is in communication with the expert), the

second terminal configured to:

receive a transfer of the communication session from the third terminal (Col. 4,

line 2-4, ER Server allows contact between the customer and the expert);

Stephanou does not teach but Fitzpatrick teaches disconnect from the

communication session with the third terminal (Fitzpatrick, Paragraph [0033]-[0034] The

disconnecting chat participant goes offline);

Stephanou teaches connect with the first terminal; and engage in a

communication session (Stephanou, Col. 4, line 15-18, The ER server provides the

email address of the customer to the expert for the expert to email the customer.).

With respect to claim 21, the combination of Stephanou and Fitzpatrick teaches the system of claim 20, wherein upon transferring the communication session from the third terminal to the first terminal the communication session continues between the second terminal and the first terminal (Stephanou, Col. 4, line 15-18, The ER server provides the email address of the customer to the expert allowing the expert to email the customer.).

With respect to claim 22, the combination of Stephanou and Fitzpatrick teaches the system of claim 20, wherein the communication session is an instant message session (Stephanou, Col. 4, line 12-15, The ER server sets up a real time chat session between the expert and the customer).

With respect to claim 24, the combination of Stephanou and Fitzpatrick teaches the system of claim 20, wherein the communication session in which the second terminal and the third terminal are engaged in further includes a dialog between the second terminal and the third terminal (Stephanou, Col. 3, line 62-63, The expert (i.e., second terminal) responds to the message from the ER server (i.e., third terminal)).

With respect to claim 25, the combination of Stephanou and Fitzpatrick teaches the system of claim 20, wherein upon transferring the communication session from the third terminal to the first terminal the dialog between the second terminal and the third terminal (Stephanou, Col 1., line 49-50 The customer's contact information is presented

to the expert) also transfers and continues between the second terminal and the first

terminal (Stephanou, Col. 4, line 15-18, The ER server provides the email address of

the customer to the expert allowing the expert to email the customer.).

With respect to claim 26, Stephanou teaches a method for transferring a

communication session being conducted between a second terminal (Stephanou, Col.

3, line 35-36, the customer connected to the internet) and a third terminal (Stephanou,

Col. 3, line 49-51, The ER server) to a first terminal (Stephanou, Col. 3, line 56-59, the

expert notified via the internet), the method comprising:

initiating a transfer by sending a transfer message to the first terminal

(Stephanou, Col 3., line 49-51, The ER server sends a message to the expert);

Stephanou does not teach but Fitzpatrick teaches disconnecting the third

terminal (Fiztpatrick, paragraph [0034],The disconnecting chat participant goes offline)

from the second terminal (Fiztpatrick, paragraph [0035], The remaining chat participant)

upon receiving a transfer accept message from the first terminal (Fiztpatrick, paragraph

[0035], The chat engine) and replacing the third terminal with the first terminal such that

the communication session continues between the second and first terminals

(Fiztpatrick, paragraph [0035], Chat engine contacts the remaining chat participant).

With respect to claim 27, the combination of Stephanou and Fitzpatrick teaches

the method of claim 26, wherein the transfer message comprises: an identity of a first

terminal; information collected about the second terminal; and a particular third terminal,

or a class of terminals, associated with the communication session (Stephanou, Col 3.,

line 49-51, The ER server sends a message to the expert that includes information

about the customer.).

With respect to claim 28, the combination of Stephanou and Fitzpatrick teaches

the method of claim 26, wherein the transfer accept message acts as a reply to the

transfer message (Stephanou, Col. 3, line 62-63, The expert responds to the message

from the ER server) and enables a third terminal to continue the connection, Stephanou

does not teach but Fitzpatrick teaches whereby the third terminal becomes connected to

the first terminal and the connection to the second terminal is disconnected (Fiztpatrick,

paragraph [0034],The disconnecting chat participant goes offline. Fitzpatrick teaches

either chat participant able to be disconnected. Paragraphs [0033]-[0040]).

With respect to claim 29, the combination of Stephanou and Fitzpatrick teaches

the method of claim 26, wherein the communication session in which the second

terminal and the third terminal are engaged in further includes a dialog between the

second terminal and the third terminal (Stephanou, Col. 3, line 38-40, Customers

present information to the ER server).

With respect to claim 30, the combination of Stephanou and Fitzpatrick teaches

the method of claim 26, wherein upon transferring the communication session from a

third terminal to a first terminal the dialog between the second terminal and the third

terminal also transfers (Stephanou, Col 1., line 49-50 The customer's contact information is presented to the expert) and continues between the second terminal and the first terminal (Stephanou, Col. 4, line 15-18, The ER server provides the email address of the customer to the expert allowing the expert to email the customer.).

6.   Claims 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20040061718 to Fitzpatrick in view of US Patent 6,513,013 to Stephanou.

With respect to claim 32, Fitzpatrick teaches the transfer protocol of claim 31, Fitzpatrick does not teach but Stephanou teaches further comprising: a connect sequence whereby a second terminal sends a connect message to establish a connection with a third terminal (Stephanou, Col. 3, line 34-36, The customer connects by contacting the ER server) and the third terminal acknowledges the connect message (Stephanou, Col. 3, line 41-44, ER server reviews its database based on the information presented by the customer).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine further comprising: a connect sequence whereby a second terminal sends a connect message to establish a connection with a third terminal and the third terminal acknowledges the connect message as taught by Stephanou with the system of Fitzpatrick so as be able to submit a customer query to a team of experts (Stephanou, Col. 3, line 15-60).

With respect to claim 33, the combination of Fitzpatrick and Stephanou teaches the transfer protocol of claim 31, further comprising:

a message sequence whereby a second terminal sends the third terminal a message without acknowledgement (Stephanou, Col. 8, line 1-5, Customer enters a ticket into the server then is contacted later about the ticket by the expert) and the third terminal sends the second terminal a message without acknowledgement (Stephanou, Col. 6, line 56-64, The server sends the customer an email, if the email is not acknowledged the ticket is moved to "closed" status).

With respect to claim 34, The combination of Fitzpatrick and Stephanou teaches the transfer protocol of claim 33, wherein the message sequence comprises:

the second terminal and the third terminal sending messages to the other without regard to the sequence or timing of said messages (Stephanou, Col. 3, line 34-36, The customer contacts the ER server. Col. 5 line 60-61, Confirmation email is sent to the customer).

With respect to claim 35, the combination of Fitzpatrick and Stephanou teaches the transfer protocol of claim 31, wherein the transfer message comprises:

an identity of a second terminal, or caller (Stephanou, Col 1., line 49-50 The customer's contact information is presented to the expert), who establishes a connection between a second terminal and a third terminal to initiate a dialog in a

communication session (Stephanou, Col. 3, line 34-36, The customer contacts the ER

server);

information collected about the second terminal, or the caller, including the dialog

between the second and third terminals (Stephanou, Col. 3, line 41-42, Col. 1, line 49-

51, The ER server transfers information about the customer to the expert);

a particular third party or specific live person, or a class of terminals or group of

live agents, where the transfer is to connected to (Stephanou, Col. 3, line 41-42, The

expert); and

a session identifier defining the connection between the second and third

terminals to enable a first terminal to continue the connection (Stephanou, Col. 4, line

14-18, The email address of the customer. Col. 5, line 55-59, A ticket is used to identify

the customers problem.).

With respect to claim 36, the combination of Fitzpatrick and Stephanou teaches

the transfer protocol of claim 31, wherein the disconnect message terminates the

connection between the second and third terminals (Fitzpatrick, Paragraph [0033]-

[0034], The disconnecting chat participant goes offline) and Fitzpatrick does not teach

but Stephanou teaches comprises a session identifier defining the connection between

the second and third terminals to enable a first terminal to continue the connection

(Stephanou, Col. 5, line 55-63, The expert receives a ticket from the server that

contains customer information that enables contact between the expert and customer.).

With respect to claim 37, The combination of Fitzpatrick and Stephanou teaches the transfer protocol of claim 32, wherein the connect message comprises: an identity of a second terminal, or caller, a connection is being made on behalf of; a session identifier defining the connection between the second and third terminals; a destination identifier defining the location of the third terminal; a source identifier defining the source of the connect message (Stephanou, Col. 1, line 40-44, The customer accesses a website to connect to the server. Standard html access meets the limitations of this claim.).

With respect to claim 38, the combination of Fitzpatrick and Stephanou teaches the transfer protocol of claim 33, wherein the message comprises:

a body containing text of the message (Stephanou, Col. 6, line 52-59, Email message);

a session identifier defining the connection between the second and third terminals (Stephanou, Col. 6, line 52-59, Email message subject line);

a destination identifier defining the location of the third terminal (Stephanou, Col. 6, line 52-59, Email address of destination);

a source identifier defining the source of the connect message (Stephanou, Col. 6, line 52-59, Email address of sender. The ER server sends an email to the customer requesting that the customer fill out a survey.).

With respect to claim 39, the combination of Fitzpatrick and Stephanou teaches a system configured to perform context sensitive transfers comprising:

a calling party (Stephanou, Col. 3, line 35-36, the customer connected to the internet);

a receiving party (Stephanou, Col. 3, line 49-51, The ER server), said receiving party configured to, engage the calling party in a communication session wherein the communication session includes dialog between the calling and receiving party (Stephanou, Col. 3, line 34-36, The customer contacts the ER server), and

transfer the communication session from the calling party to a third party, wherein upon transferring the communication session to the third party, the communication session continues between the third party and the calling party (Stephanou, Col. 4, line 12-15, The ER server establishes a real time chat session between the expert and the customer).

7.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,513,013 to Stephanou in view of US 20040015548 to Lee.

With respect to claim 15, Stephanou teaches the system of claim 12, Stephanou does not teach but Lee teaches wherein the communication session is a SMS session (Lee, paragraph [0087], SMS messages are transferred between the two devices).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine wherein the communication session is a SMS session

as taught by Lee with the system of Stephanou so as to be able to allow entities that may not have any direct affiliation with wireless carriers to inject SMS messages into at least one wireless carrier network (Lee, Paragraph [0078]).

8.   Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,513,013 to Stephanou in view of US 20040061718 to Fitzpatrick et al and further in view of US 20040015548 to Lee.

With respect to claims 3 and 23 the combination of Stephanou and Fitzpatrick teaches the system of claims 1 and 20, the combination of Stephanou and Fitzpatrick does not teach but Lee teaches wherein the communication session is a SMS session (Lee, paragraph [0087], SMS messages are transferred between the two devices).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine wherein the communication session is a SMS session as taught by Lee with the system of Stephanou and Fitzpatrick so as to be able to allow entities that may not have any direct affiliation with wireless carriers to inject SMS messages into at least one wireless carrier network (Lee, Paragraph [0078]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan J. Jakovac whose telephone number is (571) 270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi T. Arani can be reached on (571) 272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RJ

TAGHI ARANI
PRIMARY EXAMINER
9/27/07